

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BRUCE WINSTON GEM CORP.,

Plaintiff,

v.

HARRY WINSTON, INC., and

HARRY WINSTON S.A.

Defendants.

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09 CIV 7352 (JGK)

ECF Case

**DECLARATION OF MARY R. TRUE IN SUPPORT OF
DEFENDANTS HARRY WINSTON, INC. AND
HARRY WINSTON S.A.'S MOTION TO DISMISS**

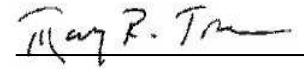
Mary R. True declares as follows:

1. I am a partner at the law firm Bricker & Eckler LLP, counsel to Defendants Harry Winston, Inc. and Harry Winston, S.A. (collectively, "WINSTON").
2. I, along with my law partner Joseph R. Dreitler have been outside counsel for all trademark matters involving Winston and its related companies, including the Bruce Winston trademark Opposition ("Opposition") in the U.S. Patent & Trademark Office, Trademark Trial and Appeal Board since 2003.
3. I have attended, taken or participated in all of the depositions in the Bruce Winston Gem Corp. ("BWGC") trademark Opposition (other than the initial deposition of Ronald Winston in 2003); I have had numerous conversations, telephone calls, meetings and exchanged correspondence with counsel for BWGC over the last six (6) years. Neither I nor any of Winston's lawyers nor anyone connected with Winston has ever stated, suggested or implied to BWGC or its lawyers that Winston would sue BWGC.

4. I have read the amended Complaint in this case filed by BWGC, including paragraphs 33- 35 relating to a settlement meeting which BWGC's lawyers requested. I participated by telephone in the August 18, 2009 settlement meeting with Bruce Winston and his counsel referred to in paragraphs 33-35 of the Amended Complaint. The allegations that HWI's CEO, Tom O'Neill, threatened to sue BWGC over its current use of the name Bruce Winston are not true. At no time did Tom O'Neill nor anyone representing Winston at that meeting state, threaten or imply that Winston would sue BWGC.
5. All deposition excerpts and deposition exhibits attached hereto are from discovery depositions taken in Opposition No. 91153147 pending before the Trademark Trial and Appeal Board of the United States Patent & Trademark Office (the "TTAB Opposition").
6. Attached hereto as Exhibit A is a true and correct copy of Plaintiff's Notice of Reliance, with attached articles, filed on August 14, 2009 in the TTAB Opposition.
7. Attached hereto as Exhibit B is a true and correct copy of a document prepared by HWI entitled "Harry Winston Group Consolidated Net Sales" which HWI was planning to introduce into evidence in the TTAB Opposition via the testimony deposition of HWI's Chief Financial Officer, Robert Scott, scheduled for August 26, 2009.
8. Attached hereto as Exhibit C is a true and correct copy of the Docket for the TTAB Opposition.
9. Attached hereto as Exhibit D is a true and correct copy of a March 29, 2004 letter from Glenn F. Ostrager to Joseph R. Dreitler.
10. Attached hereto as Exhibit E is a true and correct copy of a June 13, 2007 letter from Joseph R. Dreitler to Glenn F. Ostrager.

11. Attached hereto as Exhibit F is a true and correct copy of a February 18, 2008 letter from Joseph R. Dreitler to Glenn F. Ostrager.
12. Attached hereto as Exhibit G is a true and correct copy of a May 21, 2009 letter from Glenn F. Ostrager to Joseph R. Dreitler.
13. Attached hereto as Exhibit H is a true and correct copy of Opposer's First Set of Requests for Production of Documents in the TTAB Opposition.

I declare under penalty of perjury that the foregoing is true and correct on this 9th day of November, 2009.



Mary R. True